REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 2, 5, and 24-30 are now pending. Independent claim 2 has been amended to include the features of claim 3 (now cancelled) depending therefrom. Claim 29 has been amended to correct a typographical error.

Applicants again respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 submitted with the Information Disclosure Statement dated January 22, 2001.

Prior Art Rejections

Claims 2 and 5 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by Matsumura et al. (U.S. Patent 5,835,144). Claim 3 and 26-30 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Matsumura. These rejections are respectfully traversed.

Initially, Applicants note that claim 2 has been amended to include the features previously presented in claim 3, thereby rendering the anticipation rejection of claim 2 moot. Therefore, with respect to claim 2, the following arguments are specific to the issue of obviousness.

Independent claim 2 is directed to a video decoding method for decoding a coded video stream. The video decoding method of claim 2 receives a coded video stream, together with an error detection result indicating whether an error is contained in a coded stream in each packet. The coded video stream is composed of plural pieces of compressed block coded data, which are composed of plural kinds of data elements. Data elements of the same kind are arranged in succession over plural blocks, and the coded video stream is divided, at the point of change and the kind of data elements arranged in succession, into each packet. Each packet is provided with an error detecting code for obtaining an error detection result. Claim 2 specifies that:

> upon detecting a decoding error...the position of said decoding error in said coded video stream is decided based on an error detection result received and error concealment is selectively performed based on said decided position of said decoding error.

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Claim 2 now specifies that the plural kinds of data elements (of the compressed block

coded data) contain a data stream composed of motion vectors and a data stream composed of

pieces of texture information; and further specifies that:

> based on said error detection result received together with each data stream and
> the position of said decoding error detected in the decoding of said each data
> stream, it is decided whether to perform error concealment using decoded motion
> vectors or abandon said motion vectors and said texture data and perform error
> concealment.

Applicants respectfully submit that Matsumura fails to teach or suggest this claim

element. Furthermore, because the rejection of claim 3 under 35 U.S.C. § 103 fails to cite prior

art, or knowledge generally available to those who are skilled in the art, teaching this feature,

Applicants respectfully submit that the Office Action has failed to establish *prima facie*

obviousness of claim 3.

On page 3 of the Office Action, the Examiner provides the following reasoning in support of

the rejection of claim 3:

> The examiner interprets the above limitation as that error
> concealment is performed with or without using motion vector and
> in the 103 rejection, it is reasoned that, since Matsumura et al
> teaches inter frame prediction and motion compensation and
> because when error occurred in the variable-length decoding, there
> is a fair chance that error contaminates the motion vector and if
> that is the case, motion vector and associated texture data should
> be abandon in any following error concealment effort to avoid
> further error propagating or, if error does not contaminates motion
> vector, then use decoded motion vector. (emphasis added)

This reasoning fails to establish *prima facie* obviousness. To establish *prima facie*

obviousness, all claim limitations must be taught or suggested by the prior art and the asserted

modification or combination of prior art must be supported by some teaching, suggestion, or

motivation in the applied reference or in knowledge generally available to one skilled in the art.

In re Fine, 837, F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21

USPQ2d 1941 (Fed. Cir. 1992). Thus, "[a]ll words in a claim must be considered in judging the

patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ

494, 496 (CCPA 1970). The prior art must suggest the desirability of the modification in order to

establish a *prima facie* case of obviousness. *In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663,

1666 (Fed. Cir. 1995). It can also be said that the prior art must collectively suggest or point to

the claimed invention to support a finding of obviousness. *In re Hedges*, 783 F.2d 1038, 1041,

228 USPQ 685, 687 (Fed. Cir. 1986); *In re Ehrreich*, 590 F.2d 902, 908-09, 200 USPQ 504, 510

(CCPA 1979).

The Examiner's reasoning detailed above is not based on the teachings of Matsumura (or

any other evidence of record), and instead appears to be the result of hindsight reasoning that

relies on the teachings of the present application. At least for this reason, the rejection of claim 2

should be withdrawn.

Independent claim 5 is directed to a video decoding method that receives a coded video

stream together with an error detection result indicating whether an error is contained in a coded

stream in each packet. Claim 5 specifies that the coded video stream is composed of plural

pieces of compressed block data and coded header information contains a unique code indicating

the head of each block coded data and its block number. The coded video stream is divided into

packets at a point of change between the header information and the block coded data, and the

packets are provided with an error detecting code for obtaining an error detection result.

Independent claim 5 specifies that:

> upon detecting a decoding error during decoding of said coded video stream
> received for each packet, the position of resynchronization is decided based on
> said unique code and said error detection result received together with coded data
> of said header information and resynchronization is performed from the bit
> position of error detection to a unique code indicating the beginning of the next
> block coded data.

In alleging that Matsumura anticipates claim 5, the Office Action cites column 8, line 40

– column 9, line 12. Although this cited portion of Matsumura supports the conclusion that the

video decoder described therein performs resynchronization, Applicants note that this portion of

Matsumura refers to decoding operations performed <u>after resynchronization</u>, wherein Matsumura

utilizes a self-resynchronizing variable-length code. See e.g., column 7, lines 42-56. The cited

portion of Matsumura does not relate to a technique for deciding a position of resynchronization

as specified in claim 5. Consequently, the video decoding apparatus of Matsumura does not perform resynchronization in the manner recited in claim 5.

At least for this reason, Applicants respectfully submit that Matsumura fails to anticipate claim 5.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner's prior art rejections based on Matsumura.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: June 19, 2006

Respectfully submitted,

By
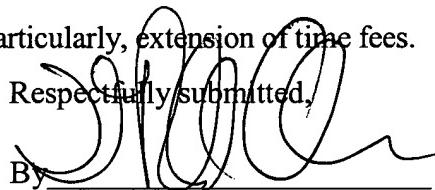
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